

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
vs.) CRIMINAL ACTION NO. 09-00240-KD
JOSE NORIEGA, et al,) USAO NO. 09-R00439
Defendants.)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Superseding Indictment in the above titled case, the United States sought forfeiture of property which represented drug proceeds, and/or property used to facilitate drug transactions of defendant **JOSE NORIEGA** pursuant to Title 21, United States Code, Section 853;

AND WHEREAS, the defendant was found guilty on February 12, 2010, as to Counts One and Two of the Superseding Indictment, and for the reasons stated, it is hereby

ORDERED, ADJUDGED AND DECREED, that pursuant to Title 21, United States Code, Sections 846, 841(a)(1) and 853, and Federal Rule of Criminal Procedure 32.2(b), the interests of defendant **JOSE NORIEGA** are hereby condemned and forfeited to the United States for disposition according to law in the real property identified as follows:

- a. All of that lot or parcel of land, together with it's building, appurtenances, improvements, fixtures, attachments and easements, that would constitute the residence, curtilage and outlying property with the street address of 8500 Chutney Drive, in Eight Mile, Alabama, which property is more particularly described as:

PARCEL 1:

Lot 44 Spice Pond Estates, Unit 3, a subdivision, according to a map or plat thereof which is on file of record in the Office of the Judge of Probate of Mobile County, Alabama, in Map Book 20, page 90.

PARCEL 2:

That parcel of land in the SW 1/4 of the NW 1/4 of Section 1, Township 3 South, Range 3 West, lying West of the East line of Lot 44, Spice Pond Estates, Unit Three, according to the plat thereof recorded in Map Book 20, page 90 in the records of the Office of the Judge of Probate, Mobile County, Alabama, if said line was extended Northwardly to the North line of said SW 1/4 of the NW 1/4 of said section.

LESS AND EXCEPTING THEREFROM such oil, gas and other minerals in, on and under the above described real property, together with all rights in connection therewith, as have previously been reserved by or conveyed to others.

AND WHEREAS, by virtue of the jury's findings, the United States is now entitled to, and should, pending possible appeal herein, reduce the said property to its possession and notify any and all potential third parties who have or may have an interest in the forfeited property, pursuant to Title 21, United States Code, Section 853 and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

Now therefore, it is hereby **ORDERED, ADJUDGED AND DECREED:**

Pursuant to the jury's findings, all right, title, and interest of defendant **JOSE NORIEGA** in the above described property is hereby forfeited to and vested in the United States of America for disposition in accordance with law, subject to provisions of Title 21, United States Code, Section 853(n).

Pursuant to 21 U.S.C. S 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the

forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n)(2) for the filing of third party petitions.

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

The Clerk of the Court shall forward (5) certified copies of the Order to Assistant U.S. Attorney George F. May, U.S. Attorney's Office, Southern District of Alabama.

DONE AND ORDERED this 9th day of March, 2010.

s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE